

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LOUIS REED, JR.,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	22-CV-8578 (VSB)
	:	
PFIZER, INC.,	:	<u>ORDER OF SERVICE</u>
	:	
Defendant.	:	
-----X		

VERNON S. BRODERICK, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under the Court’s diversity of citizenship jurisdiction, alleging damages from the use of Lipitor (also known as Atorvastatin Calcium), a pharmaceutical developed, manufactured, marketed, and sold by Defendant Pfizer. By order dated May 9, 2022, Judge Kiyo A. Matsumoto of the United States District Court for the Eastern District of New York granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. (Doc. 4.)

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and the amended complaint until the Court reviewed the amended complaint and ordered that the summons be issued. I therefore extended the time to serve until 90 days after the date the summons was issued, (Doc. 9), which was October 17, 2022, (Doc. 10). Prior to

the expiration of this deadline, Plaintiff filed a letter on January 3, 2023 providing an alternate address for service based on information received following the first attempt at service and requesting an updated summons. (*See* Docs. 16, 17.) Accordingly, it is hereby

ORDERED that to allow Plaintiff to effect service on Defendant Pfizer through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant Pfizer.

IT IS FURTHER ORDERED that the Clerk of Court issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant Pfizer at the following address:

C.T. Corporation

On Behalf of Pfizer

28 Liberty Street


New York, New York 10007

The Clerk of Court is instructed to issue a summons for Defendant Pfizer, complete the USM-285 forms with the address provided above, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is respectfully directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: April 25, 2023  
New York, New York

  
Vernon S. Broderick  
United States District Judge